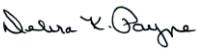
 <p style="text-align: center;">POLICIES AND PROCEDURES</p> <p style="text-align: center;">State of Tennessee Department of Intellectual and Developmental Disabilities</p>	Policy #: 80.5.4	Page: 1 of 7
	Effective Date: June 29, 2015	
	Distribution: B	
Policy Type: Administrative	Supersedes: P-019, 80.5.4 (10/1/12)	
Approved by:  Debra K. Payne, Commissioner	Last Review or Revision: May 14, 2015	
Subject: TRANSPORTATION COST SUBSIDY		

- I. **AUTHORITY:** Tennessee Code Annotated (TCA) 4-3-2708, 33-1-302, 33-1-303 and Home and Community Based Waiver.
- II. **PURPOSE:** The purpose of this policy is to provide clarification about the eligibility criteria for a Transportation Costs Subsidy and the process for requesting and authorizing the subsidy. This subsidy is state-funded by the Department of Intellectual and Developmental Disabilities (hereinafter “Department” or “DIDD”).
- III. **APPLICATION:** This policy applies to DIDD staff responsible for authorizing requests received by DIDD for a state funded Transportation Costs Subsidy and to any provider agency requesting this subsidy.
- IV. **DEFINITIONS:**
 - A. **Class Member** shall mean an individual who meets the requirements in the definition of the class specified in People First of Tennessee, et al. v. Clover Bottom Developmental Center.
 - B. **Former Class Member** shall mean an individual who met the requirements in the definition of the class specified in the United States of America v. State of Tennessee et al. (Arlington Developmental Center).
 - C. **Home and Community Based Services (HCBS) Waiver or Waiver** shall mean a waiver approved for Tennessee by the Centers for Medicare and Medicaid Services to provide services to a specified number of Medicaid eligible individuals who have an intellectual disability and who meet criteria for Medicaid reimbursement in an Intermediate Care Facility for Individuals with Intellectual Disabilities. The HCBS waivers for people with intellectual disabilities in Tennessee are operated by the Department of Intellectual and Developmental Disabilities with oversight from TennCare, the state Medicaid agency.
 - D. **Qualified HCBS Waiver Residential Service** means one of the following HCBS waiver services:
 1. Supported Living services provided in a home that has three (3) or fewer persons supported.

Effective Date: June 29, 2015	Policy #: 80.5.4	Page: 2 of 7
Subject: TRANSPORTATION COST SUBSIDY		

2. Medical Residential services provided in a home that has three (3) or fewer persons supported.
 3. Residential Habilitation services provided in a home that has three (3) or fewer persons supported.
- E. **Specially Modified Vehicle** shall mean a vehicle that has been substantially modified for transport of an individual who routinely requires the use of a specialized wheelchair of a type such that the individual cannot be safely and appropriately transported without the use of a vehicle that has had substantial modifications (e.g., addition of wheelchair lift, structural modification to raise or lower the roof or floor of the vehicle).
- F. **Transportation Costs Subsidy (formally Class Transportation Subsidy)** shall mean state-funded transportation assistance provided by the Department of Intellectual and Developmental Disabilities to a residential service provider for the transport of an individual in a specialized wheelchair whose transportation needs cannot be safely and appropriately met without the use of a specially modified vehicle.
- V. **POLICY:** The department authorizes the use of state funds to provide transportation subsidies for current and former class members who require transportation to meet their needs and assist in fulfilling the outcomes developed in the individual support plan (ISP).
- VI. **PROCEDURES:**
- A. Expenses for which a Transportation Costs Subsidy may be used
- A Transportation Costs Subsidy shall only be used for allowable expenses directly related to the transport of an individual in a specialized wheelchair whose transportation needs cannot be safely and appropriately met without the use of a specially modified vehicle. Allowable expenses shall only include:
1. Vehicle lease payments or if the vehicle was purchased, the vehicle purchase price.
 2. Vehicle insurance.
 3. Vehicle registration and tags.
 4. Vehicle maintenance and repair expenses, excluding oil and gas.

Effective Date: June 29, 2015	Policy #: 80.5.4	Page: 3 of 7
Subject: TRANSPORTATION COST SUBSIDY		

B. Eligibility for a Transportation Costs Subsidy

1. The person supported for whom transportation is provided must meet all of the following criteria:
 - a. The person supported must be a current or former class member.
AND
 - b. The person supported must routinely require the use of a wheelchair for mobility. AND
 - c. The person supported must routinely require the use of a specialized wheelchair of a type such that the individual cannot be safely and appropriately transported without the use of a specially modified vehicle. An individual who uses a standard wheelchair, folding wheelchair, or other type of wheelchair that can be safely transported without the use of a specially modified vehicle does not meet the eligibility criteria. AND
 - d. The person supported must be receiving a qualified HCBS waiver residential service.
2. In addition to meeting the above criteria, the person supported must meet at least one of the following:
 - a. The person supported must lack access to a vehicle that can be used to provide safe and appropriate transport of the person supported and the person's specialized wheelchair.
 - b. The person's access to a specially modified vehicle must have been state-funded through a DIDD Class Transportation subsidy that was in effect as of June 30, 2009.
3. The residential service provider shall not receive a Transportation Costs Subsidy for transporting a current or former class member unless the provider meets the following criteria:
 - a. The provider owns or leases the vehicle for which the subsidy is paid.
AND
 - b. The provider began providing transportation of the person supported on or after July 1, 2009, in a vehicle that has been specially and substantially modified for transport of a specialized wheelchair.
OR

Effective Date: June 29, 2015	Policy #: 80.5.4	Page: 4 of 7
Subject: TRANSPORTATION COST SUBSIDY		

- c. The provider was receiving a Class Transportation Subsidy prior to July 1, 2009 for transporting a Class Member who routinely required the use of a specialized wheelchair of a type such that the individual could not be safely and appropriately transported without the use of a specially modified vehicle. AND
 - d. The provider must have a Transportation Costs Subsidy Request Form approved by the Department.
- C. Filing a request for a Transportation Costs Subsidy
 - 1. To request a Transportation Costs Subsidy, the residential provider agency must submit a completed request form to the DIDD Regional Director or designee for review. Request forms may be obtained from the DIDD Regional Office or from the DIDD website.
 - 2. A request for a Transportation Costs Subsidy must be submitted:
 - a. At least 30 calendar days prior to the requested start date of an initial request for a Transportation Costs Subsidy.
 - b. At least 30 calendar days prior to the expiration date of the person's existing Transportation Costs Subsidy.
 - c. At least 30 calendar days prior to the date the person supported relocates to a different place of residence.
 - d. Within 30 calendar days of a change in the number of persons supported who reside in the home that routinely use a specialized wheelchair of a type such that the persons supported cannot be safely and appropriately transported without the use of a specially modified vehicle.
 - e. Within 30 calendar days of a change in the number of persons supported who reside in the home if the total number of persons supported in the home would exceed three (3).
 - 3. The Individual Support Plan does not have to be amended to request a Transportation Costs Subsidy.

Effective Date: June 29, 2015	Policy #: 80.5.4	Page: 5 of 7
Subject: TRANSPORTATION COST SUBSIDY		

D. Authorization of a Transportation Costs Subsidy

1. The DIDD Regional Director or designee shall authorize a Transportation Costs Subsidy in accordance with this policy.
2. Transportation Costs Subsidies shall be renewed annually or within 30 calendar days of the expiration date for the person's existing subsidy, for continuation of the subsidy.
3. The authorization for a Transportation Costs Subsidy shall be limited to a maximum period of 12 months.
4. All Transportation Costs Subsidies shall be valid for a 12 month period from the authorization date until the assigned expiration date, or until the Transportation Costs Subsidy requires revision in accordance with this policy, whichever occurs first.
5. An approved Transportation Costs Subsidy shall expire if the current or former class member no longer receives a residential service that meets the definition of a qualified HCBS waiver residential service.

E. Revising the amount of the Transportation Costs Subsidy

1. The amount of the Transportation Costs Subsidy or Class Transportation Subsidy shall be revised if:
 - a. There is an increase or decrease in the number of eligible current or former class members in the residence who routinely use a specialized wheelchair of a type such that the person supported cannot be safely and appropriately transported without the use of a specially modified vehicle.
 - b. The current or former class member moves to a different home where there is an increase or decrease in the number of eligible persons supported in the residence who routinely use a specialized wheelchair of a type such that the current or former class member cannot be safely and appropriately transported without the use of a specially modified vehicle.

F. Determining the maximum amount of the Transportation Costs Subsidy

Effective Date: June 29, 2015	Policy #: 80.5.4	Page: 6 of 7
Subject: TRANSPORTATION COST SUBSIDY		

1. The determination of the maximum amount of a Transportation Costs Subsidy shall be at the sole discretion of DIDD.
2. When more than one eligible former or current Class Member resides in the same home, the maximum amount of the Transportation Costs Subsidy shall be based on documentation of:
 - a. Allowable expenses as specified in this policy.
 - b. The number of eligible former or current Class Members in the home who routinely use a specialized wheelchair of a type such that the person supported cannot be safely and appropriately transported without the use of a specially modified vehicle, in accordance with Table 1.

TABLE 1. Maximum Transportation Costs Subsidy per Month
<p>\$500 maximum, based on only one eligible current or former Class Member in the home</p> <p>\$550 maximum, based on 2 eligible current or former Class Members in the home</p> <p>\$600 maximum, based on 3 eligible current or former Class Members in the home</p> <p>* The maximum subsidy per month is not a per person subsidy but rather is an aggregate subsidy paid for transport of 1, 2 or 3 eligible current or former Class Members, as applicable, residing in the same home.</p>

- G. Provider Qualifications required to receive payment
 1. The residential provider shall be responsible for ensuring that each driver:
 - a. Is at least 18 years of age.
 - b. Has a valid Tennessee driver's license of appropriate type.
 - c. Has a safe driving record.
 - d. Has received training on the safe operation of any specialized equipment used in transportation (e.g., wheelchair lifts, wheelchair tie-downs).
 2. Maintaining an acceptable level of auto liability and other insurance, including insurance coverage for the specialized equipment (i.e., vehicle modifications) necessary for transport of the former or current class member.

Effective Date: June 29, 2015	Policy #: 80.5.4	Page: 7 of 7
Subject: TRANSPORTATION COST SUBSIDY		

3. Ensuring that vehicles are maintained in a safe operating condition.

H. Transportation of staff and other persons supported

Providers are permitted to transport other persons supported or staff accompanying former or current Class Members in the vehicle for which the subsidy is received.

VII. **CQL STANDARD(S):** 6a, 6b

VIII. **REVISION HISTORY:** May 14, 2015

IX. **TENNCARE APPROVAL:** N/A

X. **ATTACHMENT(S):**

A. Transportation Costs Subsidy Request form (DIDD-0610)